

April 13, 2021

Amy Dunham
7402 W 62nd St, Apt 2
Mission KS 66202

RE: Case No. 21-008

Dear Ms. Dunham:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$200. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Amy Dunham)
)
Registration No. 14-10710)

Case No. 21-008

SUMMARY ORDER

NOW, on this 13th day of April 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Amy Dunham, (“Applicant”), for her renewal application for registration as a Kansas pharmacy technician.

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board’s Executive Secretary enters this Summary Order in the above-captioned matter. After reviewing the renewal materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order.

FINDINGS OF FACT

1. Applicant was previously issued pharmacy technician registration number 14-10710 by the Board.
2. On October 14, 2018, the Board received Applicant’s renewal application for registration as a pharmacy technician in the State of Kansas, which was approved on October 15, 2018. On the 2018 application, Applicant answer “No” to the following question on the application: Have you been convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in

any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors.

3. On October 14, 2018, the Board received Applicant's renewal application for registration as a pharmacy technician in the State of Kansas, which was approved on October 15, 2018. On the 2018 application, Applicant answer "No" to the following question on the application: Have you been convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors.

4. On October 15, 2020, the Board received Applicant's renewal application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").

5. Applicant answered "Yes" to the following question(s) on the application:

a. Have you been convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors.

b. Are you now or have you in the last five years been treated for a drug or alcohol addiction or participated in any substance abuse rehabilitation program?

c. Applicant indicated on her renewal that she had submitted responsive documents by mail to the Board.

6. On October 16, 2020, the Board received an S-150 Personal History Form from Applicant detailing a 2017 DUI charge resulting in diversion and a November 22, 2019 charge for

second DUI. Applicant included letters of recommendation, academic transcript, and court documents.

7. On October 21, 2020, the Board mailed Applicant a letter requesting a completed fingerprint card, S-100 background check waiver, and fingerprinting fee.

8. On November 24, 2020, the Board mailed Applicant a second letter requesting the aforementioned background check submission.

9. On December 2, 2020, the Board received information concerning Applicant's August 2017 DUI offense which resulted in her completion of a diversion agreement, a July 2019 misdemeanor domestic battery arrest which was dismissed in February 2020, and a July 2020 conviction for 2nd offense misdemeanor DUI for which she was placed on house arrest and received one year of probation.

10. Applicant's personal statement and letters of recommendation indicated she is gainfully employed for more than five years, is working toward a bachelor's degree and national pharmacy technician certification, and participates in a mentoring program.

CONCLUSIONS OF LAW

1. That pursuant to K.S.A. 65-1663, the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy technician on any ground which would authorize the board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto.

2. Pursuant to K.S.A. 65-1627(a)(1), the Board may place in a probationary status the license of any pharmacist who has renewed or attempted to renew a license by false or fraudulent means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

4. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct means conduct likely to deceive, defraud, or harm the public.

5. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

6. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

7. Applicant's failure to disclose her 2017 DUI charges and diversion agreement on her 2018 renewal application is a misrepresentation and violation of K.S.A. 65-1627(a)(1) and a basis to place Applicant's registration in a probationary status, as well as to impose a civil fine.

8. Applicant's failure to disclose all of her offenses (including the 2019 dismissed charges for a domestic matter) on her 2020 renewal application is a misrepresentation and violation of K.S.A. 65-1627(a)(1) and a basis to place Applicant's registration in a probationary status, as well as to impose a civil fine.

9. Applicant's repeated DUI arrests, charges, past diversion, and court-imposed probation are unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

10. Applicant's failure to supply the Board with the requested fingerprint and background check submissions after repeated requests is a violation of K.S.A. 65-1627(a)(15) and a basis to place Applicant's registration in a probationary status.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for renewal of pharmacy technician registration is hereby GRANTED subject to a 2-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must continue compliance with the terms of any court probation or other requirements;
- Applicant must notify the Board of any change in her court status within 10 days of the change;
- Applicant must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

Applicant is also ordered to pay a fine to the Board in the amount of \$200 for her misrepresentations on her 2018 and 2020 renewal applications. Applicant has 30 days from the date of this order to pay the fine.

NOTICES

Applicant is hereby notified as follows:

1. Applicant may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.
2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

4/13/2021

Date



Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13th day of April, 2021, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Amy Dunham
7402 W 62nd St, Apt 2
Mission KS 66202



Kansas Board of Pharmacy Staff